BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 94-051-W - ORDER NO. 97-45

JANUARY 15, 1997

IN RE: Complaint of Customers of Gauley Falls Water System.

GRANTING REHEARING AND/OR

RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on Petitions for Rehearing and/or Reconsideration filed by Piedmont Water Company, Inc./Robbins Brothers, Inc. and Ray Haskett of our Order No. 96-848, issued December 5, 1996. Order No. 96-848 found numerous problems that existed with the Gauley Falls Water System, and that Haskett/Piedmont/Robbins Brothers/Tom Sutton had failed to properly operate or maintain the Gauley Falls Water System without just cause or excuse. The Commission then, pursuant to S. C. Code Ann. Section 58-5-710 (1976), assessed a fine of \$100.00 per day, beginning with the date of the Order. The Commission stated in that Order that the fine would continue until the problems with the Gauley Falls Water System are remedied and/or further Order of the Commission.

Piedmont/Robbins Brothers and Haskett now come before the Commission, asking for a Rehearing and/or Reconsideration of this Order. These parties alleged that the Order cited various parties

and non-parties for contempt for failure to take appropriate action to remedy the Gauley Falls System as contemplated by Commission Order 94-393, but, without prior notice, or a right to be heard prior to the issuance of such Contempt Order. Both parties noted their belief that they felt they had a right to a specific hearing on these complaints, prior to any Contempt Order being issued against them.

We have considered this matter, and have decided to grant rehearing and/or reconsideration of this matter. We therefore hold that, pursuant to S. C. Code Ann. Section 58-5-710 (1976), a hearing shall be held in order to have the parties show cause why they should not be required to take such steps as may be necessary to provide adequate and proper service to their customers. Further, the Commission holds Contempt Order No. 96-848 in abeyance, until such time as this hearing may be held and the parties heard on the issues of adequacy of service of the Gauley Falls Water System.

IT IS THEREFORE ORDERED THAT:

- 1. The Petitions for Rehearing and/or Reconsideration are granted.
- 2. That a hearing shall be held so that the parties may show cause why the utility should not be required to take such steps as may be necessary and provide adequate and proper service to their customers.
- 3. The contempt citation of Order No. 96-848 shall be held in abeyance until after the hearing described above.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Deputy Executive Director

(SEAL)